

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Brian Craig Fitzgerald  
Colleen Marie Fitzgerald**  
Debtor(s)

Bankruptcy Case No.: 16-10984-TPA  
Per April 18, 2017 Proceeding  
Chapter: 13  
Docket No.: 64 – 17, 42  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 7, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Nationstar (Claim No. 10) and PNC Bank (Claim No. 9) with all allowed payment changes of record .
- ☒ H. Additional Terms: The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified Plan terms: Citizens Bank (Claim No. 4)

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Dated: April 20, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Brian Craig Fitzgerald  
 Colleen Marie Fitzgerald  
 Debtors

Case No. 16-10984-TPA  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: vson  
 Form ID: 149

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 Total Noticed: 35

Date Rcvd: Apr 20, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 22, 2017.  
 db/jdb

14363745 +Brian Craig Fitzgerald, Colleen Marie Fitzgerald, 16469 Route 957,  
 Bear Lake, PA 16402-3733  
 cr +PNC Bank National Association, PO Box 94982, Cleveland, OH 44101-4982  
 14363745 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,  
 Malvern PA 19355-0701  
 14306568 +Amex, Correspondence, Po Box 981540, El Paso, TX 79998-1540  
 14306569 +Bank Of America, Nc4-105-03-14, Po Box 26012, Greensboro, NC 27420-6012  
 14306570 +Chase Card Services, Attn: Correspondence Dept, Po Box 15298, Wilmington, DE 19850-5298  
 14306571 +Citibank / Best Buy, Centralized Bankruptcy, Po Box 790040, St Louis, MO 63179-0040  
 14306572 +Citibank / Sears, Citicorp Credit Services, Po Box 790040, Saint Louis, MO 63179-0040  
 14306573 +Citizens Bank, Attn: Bankruptcy, 443 Jefferson Boulevard, Ms Rjw-135,  
 Warwick, RI 02886-1321  
 14320293 +Citizens Bank N.A., 1 Citizens Drive Mailstop ROP15B, Riverside, RI 02915-3019  
 14306574 +Comenity Bank / Bon Ton, 3100 Easton Square Plaza, Columbus, OH 43219-6232  
 14306575 +Comenity Bank / Peebles, Po Box 182125, Columbus, OH 43218-2125  
 14306576 Comenity Bank / Victoria Secret, Po Box 18215, Columbus, OH 43218  
 14306578 +Discover Personal Loan, 502 East Market Street, Greenwood, DE 19950-9700  
 14361071 +Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011  
 14306580 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096  
 (address filed with court: Nationstar Mortgage LLC, 350 Highland Drive,  
 Lewisville, TX 75067)  
 14364835 +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982  
 14306584 +PNC Bank Credit Card, Po Box 5570, Mailstop BR- YB58-01-5, Cleveland, OH 44101-0570  
 14307631 +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14306581 +Paul E Landin DMD, 12605 Jackson Run Road, PO Box 597, Sugar Grove, PA 16350-0597  
 14306582 +PayPay Credit, PO Box 5138, Timonium, MD 21094-5138  
 14306583 +Pnc Bank, 249 5th Avenue, Suite 30, Pittsburgh, PA 15222-2707  
 14306590 +Warren General Hospital, Two Crescent Park West, Warren, PA 16365-2199

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14306567 +E-mail/Text: ally@ebn.phinsolutions.com Apr 21 2017 01:10:32 Ally Financial,  
 Po Box 380901, Bloomington, MN 55438-0901  
 14370535 +E-mail/Text: bncmail@w-legal.com Apr 21 2017 01:11:27 COMENITY CAPITAL BANK,  
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
 14309843 E-mail/Text: mrdiscen@discover.com Apr 21 2017 01:10:33 Discover Bank,  
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025  
 14306577 +E-mail/Text: mrdiscen@discover.com Apr 21 2017 01:10:33 Discover Financial, Po Box 3025,  
 New Albany, OH 43054-3025  
 14309411 +E-mail/Text: dplbk@discover.com Apr 21 2017 01:11:40 Discover Personal Loans,  
 PO BOX 30954, Salt Lake City, UT 84130-0954  
 14306579 +E-mail/Text: bnckohlsnotices@becket-lee.com Apr 21 2017 01:10:43 Kohls / Capital One,  
 Po Box 3120, Milwaukee, WI 53201-3120  
 14380032 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Apr 21 2017 01:08:30  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14306585 +E-mail/PDF: gecsedirecoverycorp.com Apr 21 2017 01:03:01 Synch / Toys R Us DC,  
 Attn: Bankruptcy, Po Box 103104, Roswell, GA 30076-9104  
 14306586 +E-mail/PDF: gecsedirecoverycorp.com Apr 21 2017 01:03:14 Synchrony Bank / JCPenneys,  
 Po Box 965064, Orlando, FL 32896-5064  
 14306587 +E-mail/PDF: gecsedirecoverycorp.com Apr 21 2017 01:03:01 Synchrony Bank / Lowes,  
 Po Box 965064, Orlando, FL 32896-5064  
 14306588 +E-mail/PDF: gecsedirecoverycorp.com Apr 21 2017 01:03:01 Synchrony Bank / Old Navy,  
 Po Box 965064, Orlando, FL 32896-5064  
 14306589 +E-mail/PDF: gecsedirecoverycorp.com Apr 21 2017 01:03:02 Synchrony Bank / Sams Club,  
 Po Box 965064, Orlando, FL 32896-5064

TOTAL: 12

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr NATIONSTAR MORTGAGE LLC  
 cr\* +DISCOVER PERSONAL LOANS, PO Box 30954, Salt Lake City, UT 84130-0954  
 cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14363746\* American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,  
 Malvern PA 19355-0701  
 14370047\* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096  
 (address filed with court: Nationstar Mortgage LLC, Attn: Bankruptcy Dept., P.O. Box 619096,  
 Dallas, TX 75261-9741)

TOTALS: 1, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

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Total Noticed: 35

Date Rcvd: Apr 20, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 22, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 20, 2017 at the address(es) listed below:

Daniel P. Foster on behalf of Joint Debtor Colleen Marie Fitzgerald dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
Daniel P. Foster on behalf of Debtor Brian Craig Fitzgerald dan@mrdebtbuster.com,  
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com  
Joshua I. Goldman on behalf of Creditor NATIONSTAR MORTGAGE LLC bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpre03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5